

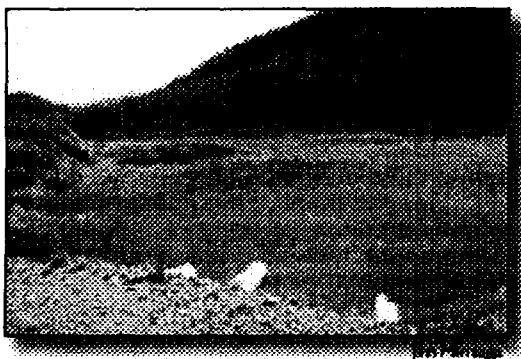
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## Troubled legacy: Mining waste haunts Dolores River watershed

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**TOXIC MINE** waste lies exposed at a drained settlement pond north of Rico. Water was diverted around one so samples can be taken to test for heavy metals. Eventually, all 11 ponds in the system will be dredged, pending a management plan being negotiated between the EPA and current and former mine-owners. During windy conditions, dust from the dried-up pond could be a health hazard if inhaled, officials said.

to attract residents and tourists."

A long-abandoned series of settling ponds for the area's mine waste has finally seen improvement, but more is needed to ensure that water quality in the Dolores River basin is protected, reports the Environmental Protection Agency.

The EPA and the Colorado Department of Health and Environment have been teaming up with former corporate mine-owners to clean up the site

**By Jim Mimiaga**  
Journal Staff Writer

Rico Town Manager Ashton Harrison is worried.

Tons of toxic mine sediment lie just a mile outside town limits alongside the Dolores River. And for years, nobody took responsibility for maintaining the mining waste-treatment system as it fell into disrepair.

"Our concern is the proximity to our town and water source in Silver Creek," Harrison said. "Plus, we see the Dolores River as a major asset to our community. If it gets polluted it will be hard

that produced valuable silver ore and a booming Rico economy a century ago, but left dangerous accumulations of toxic metals.

"We're seeing an overloading of zinc into the main stem of the Dolores River, up to 30 pounds per day in that area," reported Bruce Kent, an environmental scientist with the EPA. "It's a threat to aquatic life, and the solution needs to effectively bring that back to state standards."

Eleven connecting settling ponds and a lime-treatment plant were built in the early 1980s to collect poisonous heavy metals draining each spring from the mostly collapsed St. Louis Tunnel. The system worked, but in 1994 the Argentine Mining Company (ARCO) sold the property to real-estate speculators who neglected to maintain the deteriorating ponds and failed to operate the lime plant at all, according to a 1997 health department inspection.

In 1999, the EPA sued the new owners of the now-defunct Rico Development Company, Wayne Webster and Virginia Sell, for non-compliance with a state discharge permit and general neglect of the plant, in violation of the Clean Water Act. The defendants have since died, and a new defendant is being sought representing their estates, reported EPA attorney Sheldon Muller.

RDC disputes ownership in the case, claiming the settling ponds and plant were not part of its original land purchase.

## **POTENTIAL SUPERFUND SITE**

As the suit drags on into its fourth year, ARCO and another previous owner, National Lead, have stepped up to help solve the problem. The mining companies want to avoid having their former mines labeled as a federal disaster site under the Comprehensive Environmental Response Compensation and Liability Act, otherwise known as the Superfund law.

Under that act, all former mine-owners can be held liable for clean-up as directed by the federal government, a burden ARCO wants to avoid.

"We would like to have a cooperative effort to get things fixed there, but we do not want to be perceived as the sole responsible party. We're not the landowners," said Chuck Stilwell, ARCO's project manager, by phone from the company's Bozeman, Mont., headquarters.

"We will have a role in the funding for sure, but we want it to be under state regulations instead of going to federally-driven Superfund laws. There are a lot of advantages to avoiding that by keeping negotiations local."

Stilwell said so-called "brown-fields" funding, provided by the federal

government for reclamation of defunct industrial sites, is less available for sites under the Superfund act.

## **TWO-HOUR REPAIR**

In cooperation with the EPA, ARCO recently repaired clogged culverts connecting the ponds, and better directed mine-runoff into the system.

"Before, it was flowing out of the St. Louis (Tunnel) over ground into the first pond, so we dug canals and lined them. It's much cleaner now," Stilwell said.

On nearby Blackhawk Mountain, the persistently leaking Blaine Tunnel has also been repaired by ARCO. A concrete plug installed to direct runoff to the settling ponds failed some time in the mid 1990s, creating an illegal discharge into Silver Creek, a tributary of the Dolores River.

Last fall, ARCO and a local contractor found a broken spigot and pipe causing the leak, a simple repair that took two hours, Stilwell said. Negligent landowners and fear of liability delayed the fix, he said.

Meanwhile the breach at the Blaine, located mere yards downstream from where Rico pulls municipal water, spilled untreated mining waste into Silver Creek for years, coloring it a curious slate-gray and leaving the once-popular fly-fishing stream devoid of life.

The Blaine Tunnel and its surrounding mine tailings are still a suspected point source for zinc, mercury and other metals such as cadmium and manganese that are near threshold standards in the creek, the EPA says. The agency wants more water-quality studies on Silver Creek.

"There are still a lot of unanswered questions," Kent said.

## **SUPPOSED TO BE DREDGED**

Heavy-metal waste that has settled at the bottom of the ponds is supposed to be dredged every five years and shipped to a hazardous-waste dump or buried on-site. But that has never been done, and the failure has potentially damaging consequences.

"Our concern is a catastrophic precipitation event that flushes all of that solid sludge into the river. That would have a devastating impact on the watershed," Kent said. "It's a dry year, so hopefully we can get some implementation done, because it could change 180 degrees and flood out."

The issue of where to put the sediment is still being negotiated by ARCO, Rico, and state and federal agencies. Progress hinges on the outcome of the stalled lawsuit between the EPA and the Rico Development Corporation, scheduled to resume in August.

The EPA says replacing the settling ponds and lime-tower system with a safer, enclosed package-treatment plant may be the best option. EPA officials cite high zinc and mercury levels in the river as reason for higher-level treatment.

But ARCO, fearing the costs of a more modern plant, believes the current system, once maintained and monitored, can work.

"We think the ponds can be effective, but a lot of the equipment in the lime plant has to be replaced because it was sold off by the current landowners," Stilwell said.

ARCO bypassed water away from one of the first ponds recently, exposing rust-colored sediment. The company plans to take samples of what metals the solid waste contains as part of the forthcoming management plan. Water will probably be returned to the pond, because dredging will not likely take place any time soon, pending the lawsuit and negotiations.

## **A BACK SEAT TO A BOOM**

Ashton says the latest work at the site by ARCO and the EPA "is very promising" for Rico, but that long-term solutions for handling heavy minerals draining a maze of permanent mine tunnels each spring is critical. Removing the dredged sludge from the site is also important.

"My preference is to have the sediment waste hauled off and that's expensive," he said. "We don't have the money, but once the Department of Justice rules, hopefully the money will be there to pay."

Harrison supports a proposal that Rico one day manage the treatment plant, but emphasized that the struggling mountain community could not afford to hire an operator and would need long-term funding. Strict language exempting Rico from waste-removal liability and plant maintenance is also needed, he said.

After the property is reclaimed, Rico hopes to one day annex it and put up a light-industrial park to help jump-start a weak economy dependent on some 200 residents.

But for now, resolution of the festering pollution problem that dates back to Rico's boom-town days — when mining's environmental consequences took a back seat to thousands of jobs and a lifestyle of

bars and brothels — has become a priority.

"Things have been moving slower than we would have liked, but ARCO does appear to be in it for the long haul and that is encouraging," said Muller.

"As long as we move forward productively, then we won't have to evaluate using enforcement action under federal liability laws."

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